

1 of November 28th?

2 A Not at this point, I have not.

3 Q Now, is it -- do I correctly understand,
4 sir, that it's your belief that -- use the word,
5 guide wheel arm --

6 A Yes.

7 Q -- at some point on June 13th, 2001
8 rotated in a forward fashion away from the rear of
9 the vehicle?

10 A That's my opinion, yes.

11 Q And the basis of that opinion is what,
12 sir?

13 A The basis of that opinion is what happens
14 if the vehicle, if the guide wheel comes off the
15 rail and the tire of the truck is still on the rail,
16 the arm will then go forward of a vertical position,
17 and also when the vehicle was inspected at T&T
18 repairs, Mr. Ebert's recollection was that it
19 arrived with the arm and guide wheel chained in the
20 forward position.

21 Q So the basis of your opinion or belief
22 that the guide wheel arm rotated forward or
23 vertical, again, away from the rear of the truck --

24 A Yes.

25 Q -- is what you read in Mr. Ebert's

1 deposition?

2 A Yes.

3 Q And what else, if anything?

4 A And my awareness of what happens if the
5 truck is maneuvered in such a way that the guide
6 wheel comes off the rail but the truck's tires are
7 still on the rail, I believe, and I'm not 100
8 percent certain, because I didn't memorize it, but I
9 believe maybe Mr. Santilla may have said something
10 about that as well, about which way the wheel was
11 chained. I believe he said it was chained forward.

12 Q But you don't have the transcripts here so
13 you can't point to that?

14 A No.

15 Q Do you recall where in the context of Mr.
16 Santillo's testimony you believe that comment
17 appeared?

18 A I don't recall.

19 Q I also understand, sir, that you're of the
20 opinion that at some point on June 13th, 2001, the
21 guide wheel derailed?

22 A Yes.

23 Q And the basis for that belief is what,
24 sir?

25 A In order to get the arm in a forward